



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Bava Basra Daf Kuf Tes Vuv

#### MISHNA

- The order of inheritance is as follows: the pasuk says "if a man dies without any sons, the estate is transferred to his daughter". This teaches that a son takes precedence over a daughter, and all descendants of the son take precedence over the daughter. A daughter takes precedence over the brothers of the deceased, and all descendants of the daughter take precedence over the brothers of the deceased. The brothers of the deceased take precedence over the brothers of the father of the deceased (the paternal uncles), and all descendants of the brothers take precedence over the paternal uncles. The rule is, whoever takes precedence with regard to the inheritance, his descendants also take precedence. A father takes precedence over any of his descendants (but not descendants of the deceased).

#### GEMARA

- A Braisa says, the pasuk teaches that a son precedes the daughter. How do we know that the son's son or daughter, or even the son's grandchild, takes precedence if the son is not alive? The pasuk says "ein lo" (spelling the word "ein" with a "yud"), which teaches that "ayin lo" – we examine him to see if he has any descendants to step into his place. The pasuk says that a daughter takes precedence over the brothers of the deceased. How do we know that the daughter's son or daughter, or even her grandchild, takes precedence if the daughter is not alive? The pasuk says "ein lo" (spelling the word "ein" with a "yud"), which teaches that "ayin lo" – we examine her to see if she has any descendants to step into her place. How is this examination done? We search all the way up to Reuven (the son of Yaakov Avinu) to find a relative.
  - **Q:** Why not say that we search up to Yaakov? **A: Abaye** said, we have a kabala that an entire shevet will never be destroyed, so there will always be someone from Reuven around to inherit.
- **R' Huna in the name of Rav** said, if someone says that a daughter of the deceased inherits along with the daughter of the son of the deceased (when that son is no longer alive), we do not listen to him even if he is a Nasi, because this is something that the Tzedukim would do. As a Braisa says, the 24<sup>th</sup> of Teves was the day that we returned the halacha to the way it was supposed to be, because the Tzedukim would say that a daughter of the deceased inherits along with the daughter of the son of the deceased (when that son is no longer alive). **R' Yochanan ben Zakai** said to them, "Fools, what is your source for saying this!?" One elder said, it is based on a kal v'chomer, that if the granddaughter, who only inherits based on her relationship with her father (the son of the deceased) is allowed to inherit, then surely the daughter of the deceased, who has a direct relationship with the deceased, will inherit from the deceased! **R' Yochanan ben Zakai** quoted two pesukim, one that refers to "Anah" as a brother of Tzivon (both being the children of Sei'ir), and one that refers to Anah as a child of Tzivon. He explained, what happened was that Tzivon was mezaneh with his own mother and had a child named Anah. The pasuk says that Anah inherited the land from Sei'ir. Now, this must be because his father, Tzivon, died, and this teaches that a son steps into the place of his father to inherit his grandfather. Now, just as a son's son would take precedence over a daughter of the deceased, a son's daughter would too.
  - **[Q:** The Gemara asks, maybe there were two people with the name Anah? **A: Rabbah** or **R' Pappa** said, the pasuk says "hu Anah", which teaches that this is the same Anah referred to in the earlier pasuk.]

The Braisa continues, the elder said to **R' Yochanan ben Zakai**, you dismiss me with that? I agree that the son of a son takes precedence over a daughter. I only disagree that the daughter of a son must share the estate of her grandfather with her aunt (the daughter of the deceased)! **R'**

**Yochanan ben Zakai** said, “fool, your kal v’chomer makes no sense, because the daughter of a son inherits even when her father had brothers, whereas the daughter of the deceased does not inherit when there are sons to the deceased, so that is why the aunt is not on equal footing with the niece. The **Rabanan** won over the Tzedukim, and they made that day a Yom Tov.

- **R’ Yitzchak of the house of R’ Ami** darshened a pasuk to teach that there was a time when they enacted that in Shevet Binyamin, a daughter of a deceased son should not inherit her grandfather’s estate if the grandfather had other sons (this would prevent part of the estate from going to this girl and ending up in another Shevet when she marries into another Shevet).